

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Christopher Kirk Elledge,

Petitioner, Case No. 21-cv-11122

v.

Judith E. Levy
United States District Judge

Erica Huss,

Mag. Judge Anthony P. Patti

Respondent.

_____/

**ORDER DENYING AS MOOT PETITIONER’S
MOTION TO STAY THE PROCEEDINGS [2]**

Petitioner Christopher Kirk Elledge filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) Along with his petition, he filed a “motion to stay proceeding [sic] and hold in abeyance [sic].”¹ (ECF No. 2.) Petitioner states in his motion that he “request[ed] Clerk of the [D]istrict Court for 28 USC 2254 and forma [sic] pauperis,” but he “ha[s] not received the application for writ of habeas corpus.” (*Id.* at PageID.30.) Petitioner then filed an amended habeas

¹ The Court notes that in Petitioner’s motion, the signature line above his name is blank. However, the motion appears to be signed by Erik Johnson, a notary public in the State of Michigan.

petition and an application to proceed without prepaying fees or costs. (ECF Nos. 4, 5.)

Petitioner's motion to stay—which the Court construes as a motion for an extension of time to file an initial or amended habeas petition—is moot because Petitioner filed a habeas petition when he filed his motion to stay. Petitioner's motion is also moot because he subsequently filed an amended habeas petition. To the extent that Petitioner requests a copy of his petition for service upon Respondent Erica Huss, the petition was electronically served on Respondent and the Michigan Attorney General. Therefore, there is no need for service copies in this case. *See Kennedy v. Braham*, No. 2:20-CV-13106, 2021 WL 4398330, at *1 (E.D. Mich. Sept. 27, 2021). Accordingly, Petitioner's motion to stay (ECF No. 2) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: October 6, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 6, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager